REMARKS

Claims 1-18 are currently pending in the application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Method claim 17 and device claim 18 are new. Claim 17 includes the method step, "navigating in a backwards direction in the hierarchically organized menu system by receiving user input representing **only** removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit." (Emphasis added here.)

Claim 18 includes the clause, "wherein said electronic device is arranged to perform a step backwards in a hierarchy of commands in the hierarchically organized menu system if the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface **without regard to other applying and/or removal of the finger with respect to the user surface**." (Emphasis added here.)

Withdrawal of the rejection of claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (US 6,621,483) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Bower (US 2002/0072915) respectfully is requested for the reasons previously set forth in the Amendment filed March 9, 2007, and for the following reasons.

Before specifically addressing Wallace, AAPA and Bower, applicant wishes to clarify a distinction of the invention from the Examiner's comment regarding "double click" in the Office Action at page 3, second and third lines from the bottom of the page. A double click is a user action involving an input device, but is also intimately associated with placing a cursor or pointer over an icon or text representative of a desired command operation.

Applicant's invention is not a double click invention. Applicant's invention relates to removing a finger from a user surface and if the finger is re-applied to the user surface within a time limit, then the system navigates backward in a hierarchically organized menu system. A double click process or device requires two sequential clicks within a prescribed time; and if those clicks occur while a cursor is pointing to a program's icon, for example, then the program represented by the icon will open. In a double click process, if a "clicker" (the left mouse

button, for example) is held down or "clicked" while the cursor is pointing to an icon for a relatively long while, and then the user lifts up on the clicker and presses it again within a time limit, nothing happens. Or, if the cursor is not pointing to an item associated with double click functionality, nothing happens.

In contrast to the a double click process, applicant's invention is directed to navigating backward in a hierarchically organized menu system by removing a finger from a user surface and then re-applying the finger to the user surface within a set time limit. For example, attention is invited to the summary statement in the Specification at page 3, lines 18-22. Applicant's invention as disclosed and claimed is not a double click process.

If the Examiner has any further questions regarding the differences between applicant's process and a double click process, applicant's undersigned attorney would appreciate the opportunity to discuss those questions and answers to them by telephone in the interest of expediting favorable prosecution of this patent application.

Turning, now, to the rejection of claims 1-16, and initially to method claims 1, 2 and 11-13, Wallace provides for navigation in a single plane, not a hierarchically organized menu system. In Wallace a cursor is moved, but when the finger causing such movement is removed, the cursor keeps going until it slows down and stops, e.g., as does a ball, automobile, etc. As is described in Wallace, for example, at the place mentioned in the Office Action (abstract; column 5, lines 6-33), if a user lifts a fingertip from the surface 5, the screen pointer continues moving, "In one form of the present invention, the continued motion is similar to the motion of a screen pointer when a mechanical ball of a track ball is 'flicked.'" (Wallace, column 5, lines 21-24.) Wallace goes on to say at column 5, lines 30-32, "Thus, if the screen pointer is moving when fingertip 6 is replaced on surface 5, the movement stops when motion detector 9 detects the contact." Wallace has nothing whatsoever to do with navigating in a backwards direction in a hierarchically organized menu system.

AAPA at page 1, lines 35-page 2, line 10, discloses that a switch may be activated by pushing or pressing or by pulling. AAPA does not disclose navigating in a backwards in a hierarchically organized menu system by removing a finger from a movable physical member and re-applying the finger to the movable physical member within a set time limit.

As for Bower, reference to double click is mentioned in the second-to-last sentence of paragraph 0043 and is mentioned by the Examiner in the Office Action. However, as is discussed above, applicant's claimed invention is not a double click process; rather, applicant's method includes the step of "navigating in a backwards direction in the hierarchically organized menu system by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit."

As the Examiner has written, "Wallace as modified by AAPA fails to each navigating in a backward direction by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit." Bower then is relied on to show a double click operation. As is discussed above, a double click process needs two clicks, not the removing and re-applying of a finger, as is pointed out in claims 1, 2 and 11-13.

Furthermore, as Wallace is not concerned in any respect with navigating backwards in a hierarchically organized menu system, there is no reason, disclosure or suggestion to combine Wallace and AAPA. Would the combination lead to stopping the cursor from moving in Wallace if a button were pressed, as in AAPA? Would the navigating described in AAPA continue coasting along back through a hierarchy at a decelerating rate if Wallace were combined with AAPA? There is no reason why a person who has ordinary skill in the art would consider combining Wallace and AAPA. Neither addresses issues of the other.

Since none of the applied references discloses or fairly suggests applicant's claimed method step, "navigating in a backwards direction in the hierarchically organized menu system by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit," there is no *prima facie* obviousness of the subject matter of these claims 1, 2 and 11-13.

Attention is invited to new independent method claim 17. Claim 17 is patentable over the proposed reference combination of Wallace, AAPA and Bower for the above reasons and also for at least the following additional reason. Claim 17 includes the step of "navigating in a backwards direction in the hierarchically organized menu system by receiving user input representing only removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit." The user input set forth in claim

17 represents only removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. In a double click method, there must be two sequential clicks within a prescribed time period, not a removal and subsequently within a time limit a re-applying of a finger. For at least these reasons the subject matter that is particularly pointed out and distinctly claimed in claim 17 is not *prima facie* obvious in view of the proposed reference combination of Wallace, AAPA and Bower.

Turning to the rejection of device claims 3-10 and 14-16, the subject matter of these claims is not *prima facie* obvious in view of Wallace in combination with AAPA and Bower for at least the above reasons and the following additional reasons. Applicant takes issue with the assertion at the Office Action, page 4, first full paragraph that Wallace teaches a sensing means, "wherein the sensing means is connected to a timer (40) arranged to start counting when the finger (6) is removed from the user surface of the member 1 and to stop when the finger (6) is re-applied to the user surface(5) of the member (1)...". Element 40 in Wallace is a momentum simulator that slows down the cursor movement according to respective time constants. The decelerating cursor of Wallace is stopped if the finger is re-applied. Element 40 is not a timer.

For the reasons expressed above, Wallace as modified by AAPA and Bower is not an electronic device being arranged to perform a step backwards in a hierarchy of commands in a hierarchically organized menu system following a sensing means detecting that a finger is re-applied to a user surface. Also, although the Examiner has taken Official Notice that timer counting below a set limit is well known, the applied reference combination does hot have a timer let alone one that counts below a set limit. As was mentioned above, in Wallace there is no timer; there is a continuing stream of time constant decays that stop, as does the moving, but decelerating, cursor (pointer), if a finger is re-applied. Furthermore, there is no reason to combine Wallace and AAPA, as is discussed above. And, still further, adding a double click feature of Bower to Wallace and AAPA dos not make *prima facie* obvious the claimed feature alone or in combination of,

> "wherein said sensing means being electrically connected to a timer adapted to start counting when the finger is removed from the user surface of the movable physical member and to stop when the finger is re-applied to the user surface of the movable physical member; and

> "wherein said electronic device is arranged to perform a step backwards in a hierarchy of commands in the hierarchically organized menu system if the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface."

The claimed subject matter is not a double click feature, as was discussed above; it is a removal and re-applying within a set time limit. This limitation is not disclosed or suggested by any of the applied references.

The subject matter of new claim 18 is patentable over the applied references Wallace, AAPA and Bower for the above reasons. Additionally, claim 18 points out,

> "a timer, wherein said sensing means is electrically connected to the timer, and wherein the timer is adapted to start counting when the finger is removed from the user surface of the movable physical member and to stop when the finger is re-applied to the user surface of the movable physical member; and

> "wherein said electronic device is arranged to perform a step backwards in a hierarchy of commands in the hierarchically organized menu system if the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface without regard to other applying and/or removal of the finger with respect to the user surface."

In Wallace, the cursor or pointer continues moving after a finger is lifted; and the motion stops if the finger is re-applied. In Bower, which is cited for the double click feature, upon the occurrence of two clicks within a given time frame an action happens. In contrast, as is pointed out in claim 18, the step backwards in a hierarchy of commands is brought about if a finger is removed and re-applied if the timer counting is below a set limit following detecting a finger has been re-applied **without regard to other applying and/or removal of the finger...".** This recitation further distinguishes over a double click method, as a double click method requires two clicks, not the removal of a finger and re-applying of the finger without regard to other applying and/or removal of the finger.

Although the independent claims 1, 3, 17 and 18 are discussed in detail above, the dependent claims 2 and 3-17 point out additional features that further distinguish over the applied references Wallace, AAPA and Bower.

In view of the foregoing, there is no *prima facie* obviousness under 35 U.S.C. § 103(a).

For all the foregoing reasons, Applicant respectfully submits that the rejection of the claims should be withdrawn and the claims allowed.

Accordingly, it is believed that this application is in condition for allowance, and an early action and notice to that end earnestly is solicited.

Request for telephone interview: If the Examiner does not determine that the application is in condition for allowance, Applicants' attorney respectfully requests the Examiner to telephone the undersigned attorney to schedule a telephone interview to discuss this matter.

Dated: <u>December 4, 2007</u>   Respectfully submitted,

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